

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SHAWN G. FRALEY,)	
)	
Petitioner,)	
)	
v.)	1:14CV947
)	
FRANK L. PERRY,)	
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on August 6, 2015, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 14.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.¹

IT IS THEREFORE ORDERED that Respondent's Motion for Summary Judgment (Doc. 7) be GRANTED and that the petition be DISMISSED WITH PREJUDICE. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting

¹ In doing so, the court notes that the Recommendation's reference to case 10CRS2867 (Doc. 12 at 1) is a typographical error and should read case 10CRS2876. (See Doc. 14 at 2.)

the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

September 14, 2015